

Opencut Mining Program

January 9, 2008

RE: Final Supplemental Environmental Assessment (EA) and Application Decision on Portable Inc.'s Valley Center Ogle Amendment #7 Gravel Pit

To All Interested Parties:

Enclosed is a copy of the Department of Environmental Quality's Final Supplemental EA, which includes responses to comments on the Draft Supplemental EA, issued on December 14, 2008. The Draft EA was mailed to 9 parties that showed an interest in the project, including local residents, the Gallatin County Commissioners, and the Gallatin County Road and Bridge Department. The comment period on the Draft EA ended January 4, 2008. The Department has determined that there would be no significant impacts resulting from the proposed mining operation.

The Final EA and this cover letter are also available at <http://www.deq.mt.gov/ea/opencut.asp>. If you would like to print the document from this Internet site, be advised that several minutes will be required for the graphics to be printed.

The Department has determined that Portable's amendment application complies with the provisions of the Opencut Mining Act. Therefore, concurrent with the final Supplemental EA, the Department is approving the application.

If any person wishes to challenge the Department on the Final Supplemental EA for this proposed gravel mining operation, he or she may do so as follows. The Montana Environmental Policy Act (MEPA), which provides for the legal authority and basis for the preparation of EA's and environmental impact statements by state agencies, states at 75-1-201(6), MCA: "A challenge to an agency action under this part may only be brought against a final agency action and may only be brought in district court or in federal court, whichever is appropriate. Any action or proceeding challenging a final agency action alleging failure to comply with or inadequate compliance with a requirement under this part must be brought within 60 days of the action that is the subject of the challenge."

Regarding approval of this permit application, the Opencut Mining Act at 82-4-427, MCA provides: "(1) A person who is aggrieved by a final decision of the department under this part is entitled to a hearing before the [Board of Environmental Review], if a written request is submitted to the board within 30 days of the department's decision. (2) The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a

hearing held under this section.” Requests for a hearing under this provision must be submitted to: Secretary; Board of Environmental Review; P.O. Box 200901; Helena, MT 59620-0901.

Questions regarding any of the above matters may be directed to Jo Stephen at (406) 247-4435 or me.

Sincerely,

Neil Harrington, Chief
Industrial and Energy Minerals Bureau
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Fax: (406) 444-1923
E-mail: neharrington@mt.gov

JS/nh

Enclosure

DEQ OPENCUT MINING PROGRAM
SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

January 2008

Proponent: Portable, Inc

Site: Valley Central (Ogle) Gravel Pit

Legal: NWSW of Sec. 23, T1S, R4E

County: Gallatin

Approved Permit and Amendment #'s: 00339, Amendment # 1, 5, and 6

Type and Purpose of Action: Operator has applied for an amendment to add 10 acres to the permit area for mining. The new area is immediately east of the last amendment, the 9.7-acre area on the north side of the old railroad grade. This additional 10 acres would increase the total permitted area to 36 acres and allow mining of an additional 756,000 cubic yards of material. The final reclamation date would be extended from 2014 to 2017. The existing plan of operation is applicable to this amendment area. The bond amount was increased to \$33,479.00, and is sufficient for whole permit area.

Mining and Permitting History of the Site: The site was originally permitted for 30 acres in 1978. Amendments for additional acreage were approved in 1996 and 2004. The plan of operation was updated in 2004 when 9.7 acres were added. Full bond release on 28.6 acres of ponds and an additional 20.1 acres for industrial/commercial use of hardscape/facilities areas was granted in 2004. Total land in the existing permit and amendment areas is currently 26.0 acres. This includes a portion of Phase III, road and conveyor belt areas, and 9.3 acres north of the old railroad grade.

Potential Impacts and Mitigation: The conclusions from the RAM Environmental hydrologic report of 1996 that pit dewatering would have no impact to surrounding wells or groundwater seem to have been confirmed. DEQ has not received any complaints about groundwater in the last 11 years. Discharge water from the Phase IV pit was returned to the pond in Phase III where it infiltrates and recharges local groundwater supplies. Phase V is adjacent to both Phases III and IV. Following the existing water management plan in the new area is expected to have minimal impacts.

Phases IV and V are contiguous. The soil berm would be extended along the northern boundary of Phases IV and V. The crusher would remain in Phase IV behind the sound berm. Material would be transported from Phase V by loader or conveyor. Because activities would remain in

the present location or be farther away from local residents, noise and visual impacts are expected to remain the same or be reduced.

Hours of operation would remain as they are now: 6 a.m. to 6 p.m., Monday through Saturday. The 10-acre Amendment #7 area is presently used for hay production. Most of the 10 acres would be permanently removed from agricultural production. At final reclamation the majority of this area would be a pond. Reclamation to ponds of previous mining areas in this permit has been highly successful as fish, waterfowl, and wildlife habitat. Trout fisheries are established in Ponds I and II. Cormorants, pelicans, ducks, geese and numerous shorebirds use these ponds annually, even though they are near active gravel operations. Shorelines, the railroad grade, and surrounding land harbor deer, fox, and numerous other wildlife species. Full bond release has been given on over 28 acres of these areas. It is expected that reclamation of Phase IV and V ponds would be equally successful.

Approval of this amendment would allow continuation of the existing operation at approximately the same activity levels. Mining the 800,000 yards of material from the 1996 amendment was completed by 2004. The Phase IV amendment for 275,000 yards has been exhausted in the last three years. Extending the mining of 756,000 yards of material from Phase V over the next 10 years would result in approximately the same removal rates. Daily work and traffic levels would be approximately the same. It is unknown if or when expansion of Jackrabbit Lane and installation of traffic signals would occur. Therefore, it is unknown if traffic patterns would change.

Since 2004 the Dykstra Pit has been permitted approximately 2½ miles to the east off East Hulbert Road and two applications have been received for new pits at the corner of Cameron Bridge and South Alaska Roads. An application for amendment was received in 2003 for the Marx Pit 2 miles to the east near the intersection of Valley Central Road and Alaska South Roads, but that was placed on hold at the request of the applicant. As yet no analysis or approval action has been taken on these applications. Before any action would be taken on the Marx request, new application materials would be required. Should these applications be approved the largest impact in the vicinity would most likely be to increase traffic levels on Cameron Bridge and Valley Center Roads east, and west to Jackrabbit Lane. Dykstra pit traffic must go to Jackrabbit Lane because of a bridge restriction to the east.

Portable, Inc. would operate the proposed Nistler pit on Highline Road 4 miles to the west if it were approved. That application is for a relatively full-service aggregate operation. It is unknown if there would be any substantial connection between these two sites.

The proponent would be legally bound by his permit to reclaim the site. The previous environmental assessment and supplemental assessments are applicable to this action.

Comments and Responses to the Supplemental EA

Comments from Lee Provance, Gallatin County Road and Bridge Superintendent, January 4, 2008

Comment #1: “I was reading the EA for the Ogle Pit on Valley Center Road and came across an erroneous statement that was made therein. Under Potential Impacts and Mitigation Measures, #15, ‘There is no reason to suspect that there would be an increase in traffic or that an increased amount of traffic would turn west and get onto Thorpe Road.’

“I firmly disagree with this statement. It is very obvious that Kenyon-Noble traffic has increased substantially over the past few years. It is unlikely that anyone could drive this road without passing a Kenyon-Noble truck. I speculate the increase is due to a large amount of high density subdivision that has taken place in the Amsterdam Road area and is easily accessed by Thorpe Road. Last year, the complaints about the truck traffic got to the point that the County was forced to improve Thorpe Road from Valley Center West Road to Cameron Bridge West Road.”

Response: This comment is based upon the EA from 2004. We thank Mr. Provance for updated traffic flow information. Growth patterns in the Gallatin Valley probably have changed since publication of the 2004 EA. Other changes in future traffic flow could be triggered by new subdivision location or construction on Jackrabbit Lane, among other things. Material use from the Ogle Pit has remained fairly stable over the years. Based upon the amount of material to be removed and the time allotted, the calculations in the Supplemental EA show that the overall number of trucks entering and leaving the pit associated with the amendment application would be fairly similar to the recent past.

Comment #2: “I believe that Mr. Ogle should be required to build and pave (to County standards) Valley Center West Road, from the west boundary of the approved Gallatin Heights Subdivision (in conjunction with Gallatin Heights) to the existing pavement East of Thorpe Road. The distance is approximately ½ mile. Additionally, a 1 1/2 “ asphalt overlay should be placed on Thorpe Road from Valley Center West Road to Cameron Bridge Road West (approximately 1 mile).”

Response: Mr. Ogle and the County Road and Bridge Department are in negotiations over this issue. This issue is beyond the legal authority of the Opencut Program to mitigate.

Prepared by: Jo Stephen, January 2008

COS NO. 320B
 William E. Flynn
 Diana A. Flynn
 49 Fm 2621

RECEIVED
OCT 9 2007
DEQ Billings

TRACT 4A-1
OS NO. 320E
SCHWALM

TRACT 4A-2
COS NO 320E
HOWARD

Ludwig Lane

TRACT 69
COS NO. 320D
BATTY

TRACT 1A
COS NO. 1475
MARX

Scale In Feet

Scale In Meters



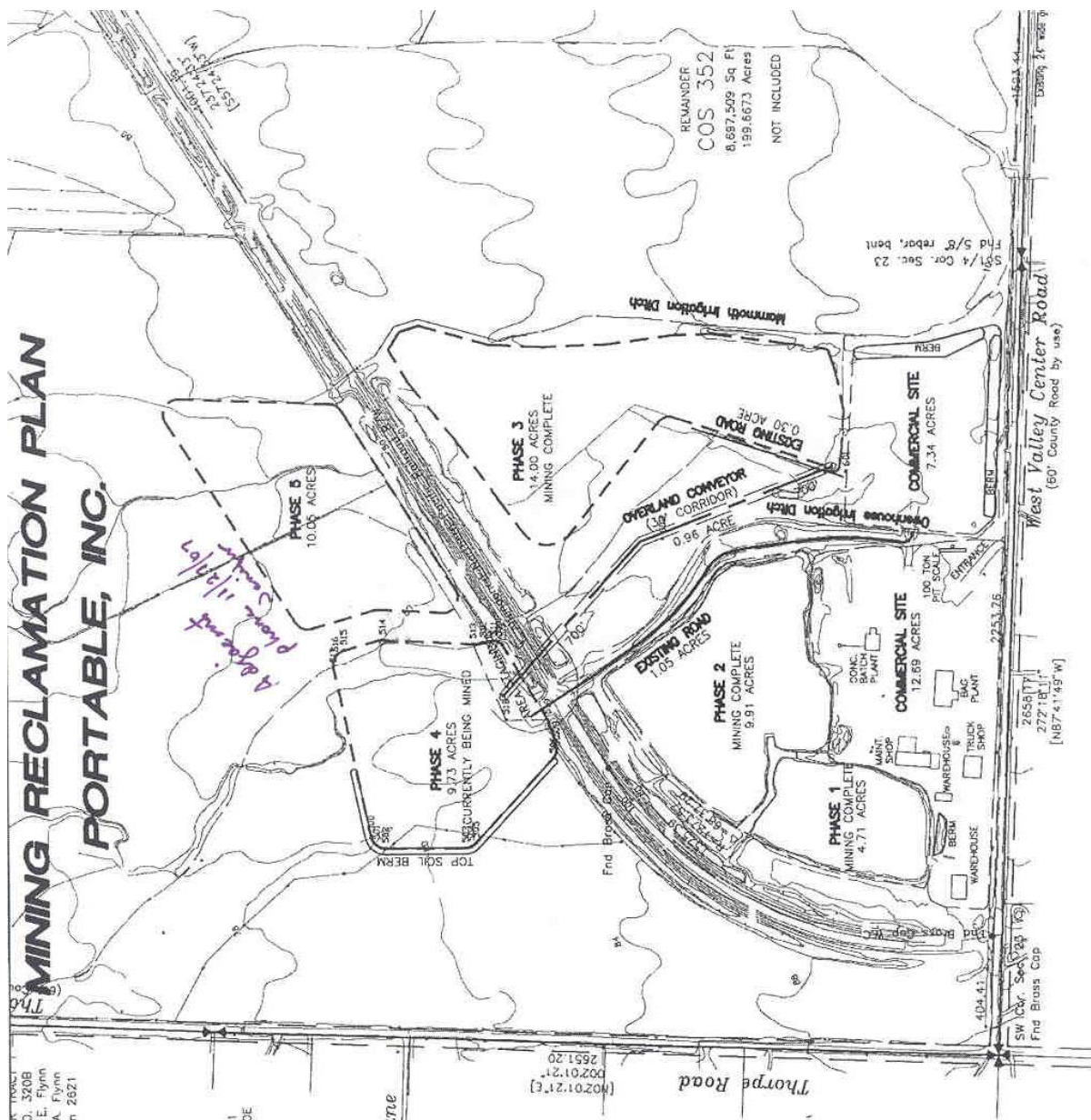
Engineering and Surveying Inc.
1081 Stoneridge Drive • Bozeman, MT 59718
Phone (406) 587-1115 • Fax (406) 587-9768
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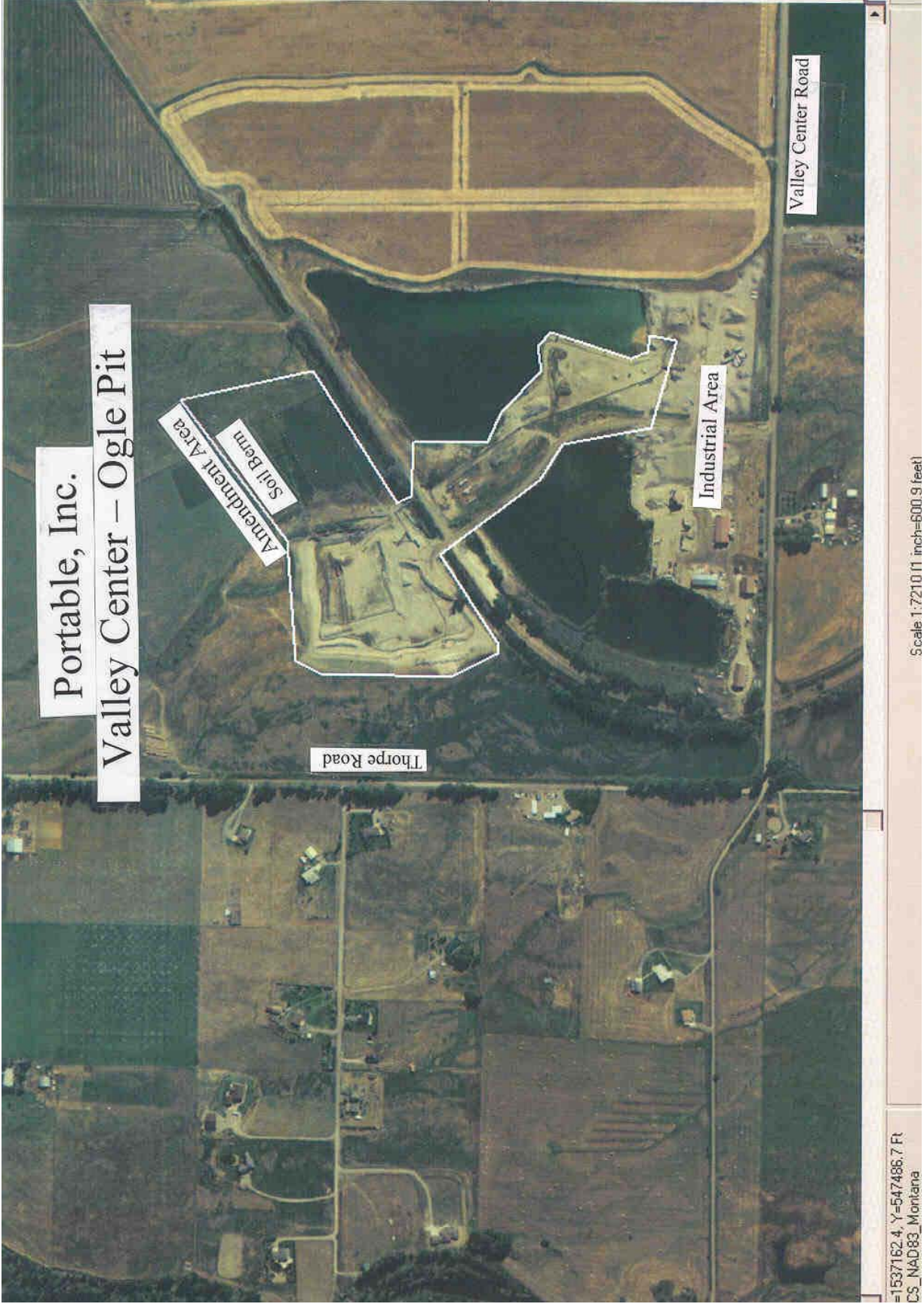
Sheet 1 of 1

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Portable, Inc.

Valley Center - Ogle Pit

Amendment Area

Soil Berm

Industrial Area

Thorpe Road

Valley Center Road

=1537162.4, Y=547486.7 Ft
CS_NAD83_Montana

Scale 1:721011 inch=600.9 feet